



Paper No. 8

21 MAY 2002

Mark A. Kammer
Cox & Smith Incorporated
112 East Pecan Street, Suite 1800
San Antonio, TX 78205

In re Application of: Cynthia Calonge)
Application No. 09/637,053)
Filed: August 11, 2000)
For: METHOD FOR PROVIDING) **DECISION ON PETITION TO MAKE**
ONLINE SUBMISSION OF) **SPECIAL UNDER M.P.E.P.**
REQUESTS FOR PROPOSALS FOR) **§708.02(II)**
FORWARDING TO IDENTIFIED)
VENDORS)

This is a decision on the petition, filed January 11, 2001, requesting the grant of special status based on M.P.E.P. §708.02, Section II (Infringement).

M.P.E.P. §708.02, Section II sets out the prerequisites for a grantable petition of a special status based on actual infringement and states in relevant part:

Subject to a requirement for a further showing as may be necessitated by the facts of a particular case, an application may be made special because of actual infringement (but not for prospective infringement) upon payment of the fee under 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

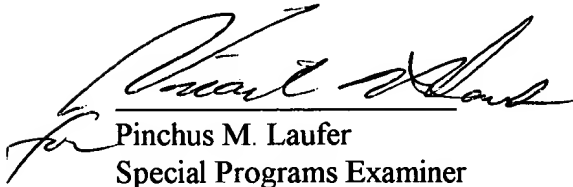
(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

Applicant's combination of submissions meets all the criteria set out above, accordingly, the Petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for examination.

A handwritten signature in cursive script, appearing to read "Pinchus M. Laufer", is written over a horizontal line. To the left of the signature, the word "for" is written in a cursive script.

Pinchus M. Laufer
Special Programs Examiner
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